

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1138

Introduced by Senator Cedillo

February 18, 2010

An act to add Article 1.5 (commencing with Section 19218) to Chapter 5 of Part 3 of Division 9 of the Food and Agricultural Code, relating to slaughtered animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 1138, as amended, Cedillo. ~~Horsemeat~~ Rendering and pet food: Rendering Industry Advisory Board.

Existing law generally regulates persons engaged in certain businesses dealing with dead animals and pet food processing, including, among others, renderers, pet food processors, dead haulers, and transporters of inedible kitchen grease. These regulatory provisions are administered and enforced by the Department of Food and Agriculture.

This bill would establish in state government the Rendering Industry Advisory Board composed of ~~7~~ 9 persons appointed by the Secretary of Food and Agriculture ~~who, 7 of whom~~ are licensed under the above-mentioned regulatory provisions ~~and 2 who are public members, as provided~~. The bill would ~~authorize the secretary to appoint an additional member to the board who is a public member, as provided~~ *specify the duties and responsibilities of the board*. The bill would authorize the secretary to adopt regulations to be used by the board in administering these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 1.5 (commencing with Section 19218) is added to Chapter 5 of Part 3 of Division 9 of the Food and Agricultural Code, to read:

Article 1.5. Rendering Industry Advisory Board

19218. (a) There is in state government a Rendering Industry Advisory Board consisting of ~~seven~~ *nine* persons appointed by the secretary, ~~who seven of whom~~ are licensed under this chapter, and who are subject to payment of the rendering program licensing fees in accordance with this chapter, including, but not limited to, licensed renderers, dead haulers, and transporters of inedible kitchen grease. The secretary ~~may appoint one additional member~~ *shall appoint the two other members* to the board who shall be ~~a public member~~ *public members*. Any vacancy in the office of a public member of the board shall be filled by appointment by the secretary.

(b) ~~Upon the secretary's request, the board shall submit to the secretary the name of at least one natural person, each of whom shall be a citizen and resident of this state and not a producer, transporter, or processor nor financially interested in any producer, transporter, or processor, for appointment by the secretary as a public member of the board. The secretary may appoint this person, or one of the nominees if more than one name is submitted, as the public member on the board. If all nominees are unsatisfactory to the secretary, the board shall continue to submit lists of nominees until the secretary has made a selection. Any vacancy in the office of the public member of the board shall be filled by appointment by the secretary from the nominee or nominees similarly qualified and submitted by the board. The public member of the board shall represent the interests of the general public in all matters coming before the board and shall have the same voting and other rights and immunities as other members of the board.~~

(b) *At least one of the seven licensee members appointed by the secretary pursuant to subdivision (a) shall have experience and expertise in alternative uses of rendered products, including, but not limited to, use as energy, alternative fuels, lubricants, and other nontraditional uses.*

1 (c) The public members appointed by the secretary pursuant to
2 subdivision (a) shall have experience and expertise in any or all
3 of the following:

4 (1) Water quality.

5 (2) Publicly owned treatment works and water infrastructure.

6 (3) Law enforcement.

7 (e)

8 (d) The members of the board shall receive no salary, but are
9 entitled to payment of necessary traveling expenses in accordance
10 with Department of Personnel Administration rules. These expenses
11 shall be paid out of appropriations made to the department.

12 ~~19218.1. It is hereby declared, as a matter of legislative~~
13 ~~determination, that persons appointed to the Rendering Industry~~
14 ~~Advisory Board pursuant to this article are intended to represent~~
15 ~~and further the interest of a particular agricultural industry~~
16 ~~concerned, and that such representation and furtherance is intended~~
17 ~~to serve the public interest. Accordingly, the Legislature finds that,~~
18 ~~with respect to persons who are appointed to the board, the~~
19 ~~particular agricultural industry concerned is tantamount to, and~~
20 ~~constitutes, the public generally within the meaning of Section~~
21 ~~87103 of the Government Code.~~

22 ~~19218.2.~~

23 ~~19218.1.~~ The term of office of the members of the board is
24 three years. When the board is first appointed, three members shall
25 be appointed for three years, three members for two years, and
26 ~~one member~~ *three members* for one year. Thereafter, appointments
27 shall be for full three-year terms. Vacancies shall be filled for an
28 unexpired term.

29 ~~19218.3.~~

30 ~~19218.2.~~ Except as otherwise provided in Sections ~~19218.6 to~~
31 ~~19218.8~~ *19218.5 to 19218.7*, inclusive, the board shall be advisory
32 to the secretary and may make recommendations on all matters
33 pertaining to this ~~article~~ *chapter*, including, but not limited to, the
34 inspection and enforcement program, annual budget, necessary
35 fees to provide adequate services, and regulations required to
36 accomplish the purposes of this ~~article~~ *chapter*.

37 ~~19218.4.~~

38 ~~19218.3.~~ The board shall elect a ~~chairman~~ *chairperson*, and
39 from time to time any other officers as it may deem advisable.

1 ~~19218.5.~~

2 ~~19218.4.~~ (a) The board shall meet at the call of its ~~chairman~~
3 *chairperson* or the secretary or at the request of any three members
4 of the board. The board shall meet at least once a year.

5 (b) A quorum of the ~~committee~~ *board* shall be ~~five~~ *six* members.
6 A vote of the majority of the members present at a meeting at
7 which there is a quorum shall constitute an act of the ~~committee~~
8 *board*.

9 (c) No member or alternate member, or any employee or agent
10 thereof, shall be personally liable for the actions of the ~~committee~~
11 *board* or responsible individually in any way for errors in
12 judgment, mistakes, or other acts, either by commission or
13 omission, except for his or her own individual acts of dishonesty
14 or crime.

15 ~~19218.6. The advisory board may do all of the following:~~

16 ~~(a) Keep accurate books and records of its activities, which shall~~
17 ~~be subject to annual audit by an auditing firm approved by the~~
18 ~~secretary. The audit shall be made a part of an annual report to all~~
19 ~~persons licensed under this article. The books and records shall be~~
20 ~~available for audit during regular business hours upon request of~~
21 ~~the secretary.~~

22 ~~(b) Make~~

23 ~~19218.5.~~ (a) *The board may make recommendations to the*
24 *secretary concerning all of the following:*

25 (1) Adoption, modification, and repeal of regulations and
26 procedures.

27 (2) Procedures for employment, training, supervision, and
28 compensation of inspectors and other personnel.

29 (3) Rate and collection of license fees and penalties related
30 thereto.

31 (4) Acquisition and use of equipment.

32 (5) Posting and noticing changes in bylaws, general procedures,
33 or orders.

34 (b) *The board shall keep accurate books and records of its*
35 *activities, which shall be subject to annual audit by an auditing*
36 *firm approved by the secretary. The audit shall be made a part of*
37 *an annual report to all persons licensed under this chapter. The*
38 *books and records shall be available for audit during regular*
39 *business hours upon request of the secretary.*

1 ~~19218.7.~~

2 *19218.6.* Persons subject to this chapter shall not have access
3 to any information in the possession of any entity or entities
4 established or designated pursuant to this chapter that would
5 disclose proprietary information regarding any other person subject
6 to this article, including material test results, individual fee or
7 license payments, rendering process, or formula information.

8 ~~19218.8.~~

9 *19218.7.* (a) The secretary shall adopt regulations to be used
10 by the board to administer this article.

11 (b) In adopting regulations and procedures, the secretary shall
12 accept the recommendations of board if he or she finds them to be
13 practicable and in the interest of the rendering industry and the
14 public. Within 30 days of the date the secretary receives a
15 recommendation from the board, the secretary shall provide the
16 board with notice of the acceptance of the recommendations or
17 with a written statement of reasons if he or she does not accept the
18 recommendation.